

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Government,

HONORABLE GEORGE CARAM STEEH

v.

No. 15-20652

ARLANDIS SHY, II,

Defendant.

STATUS CONFERENCE HEARING

Wednesday, June 29, 2016

- - -

APPEARANCES:

For the Government:

CHRISTOPHER GRAVELINE, ESQ.
Assistant U.S. Attorney

For the Defendant:

CLAUDE CHAPMAN, ESQ.

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Status Conference Hearing

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Detroit, Michigan

Wednesday, June 29, 2016

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THE CLERK: Case Number 15-20652, United States of America versus Arlandis Shy, II.

MR. GRAVELINE: Good morning, your Honor. Chris Graveline for the United States. Raj Prasad is also at counsel cable.

THE COURT: Good morning.

THE DEFENDANT: Good morning, your Honor.

MS. LEWIS: Good morning, your Honor. Kimberly Lewis appearing on behalf of a court order.

THE COURT: Thank you, Ms. Lewis.

MR. CHAPMAN: Good morning, your Honor. Claude Chapman standing in for attorney Carl Jordan. It is my understanding that Mr. Jordan did notify the Court that he is in trial in Flint today.

THE COURT: Yes, I understand that. I thought he was starting tomorrow, but he is before Judge Fullerton apparently today, and we have the defendant here.

The Court asked for this. He have Ms. Lewis still on the file because there has not been a substitution of counsel file, is that right?

1 **MS. LEWIS:** I don't know, your Honor. He
2 told me that he filed one over a month ago.

3 **THE COURT:** We haven't seen it, and Mr.
4 Jordan was retained apparently by family members. We have
5 received from the defendant an expression of
6 dissatisfaction to the point of having filed a grievance
7 against Mr. Jordan for not visiting him, and for not, in
8 the defendant's view, having affirmed the excusable delay
9 entered by the Court without having talked to the
10 defendant and securing his consent, and the defendant
11 indicates that he opposes the finding of excusable delay,
12 that it was not voiced by his counsel, and of course, we
13 were meeting at that point to consider a motion I believe
14 made by the government.

15 **MR. GRAVELINE:** That's correct, your Honor.
16 We made the motion after that status conference, the
17 motion being for excusable delay and classifying this case
18 as a complex case. At that status conference with all the
19 attorneys present to include at that point Mr. Jordan
20 representing -- or making an appearance on behalf Mr. Shy,
21 agreed that it should be considered a complex case given
22 the amount of discovery already provided, and continuing
23 to be provided by the government, and that every one would
24 agree that we would enter into a stipulation for excusable
25 delay up to -- I believe we set a September 7th status

1 conference, at which point all the defendants, as well as
2 defense counsel would be brought to court to discuss the
3 status of where we're going at that point.

4 **THE COURT:** So Mr. Shy, you've indicated that
5 you filed a grievance. I think we saw a copy of a
6 grievance --

7 **THE DEFENDANT:** Yes, I --

8 **THE COURT:** -- filed against Mr. Jordan, and
9 I don't know that Mr. Jordan even knows that as of yet.

10 **MR. CHAPMAN:** He's aware of that, your Honor,
11 and I can respond to the issue of excusable delay, but I'm
12 not able to respond to the question of whether or not Mr.
13 Shy has been visited.

14 **THE COURT:** Well, a couple of things you have
15 to know, Mr. Shy. One, it doesn't matter whether Mr.
16 Jordan voiced an objection or not to the Court's ruling at
17 the time that hearing was filed. It is obvious that it is
18 a complex case. There's obviously a mountain of discovery
19 that has to be reviewed by an attorney before this case
20 can be close to being ready for trial. There would be
21 excusable delay in any event. As I understand it, there's
22 one defendant who has not yet been apprehended.

23 **MR. GRAVELINE:** That's correct, and then
24 there's still two defendants who we are processing -- the
25 government's decision whether to seek the death penalty or

1 not as to certain counts.

2 **THE COURT:** Right. So it doesn't matter
3 whether he objected or didn't object. The ruling would
4 have been the same. This time you're bound with a number
5 of other people who are charged with conspiracy as well,
6 and you're not entitled to move forward if there are
7 legitimate reasons for the Court to be giving time to the
8 defense counsel for other folks who are also charged in
9 this case. That's number one.

10 If you have not been visited, and I gather you
11 said you have not visited and it's been six weeks I
12 believe?

13 **THE DEFENDANT:** No, your Honor.

14 **THE COURT:** You have been visited?

15 **THE DEFENDANT:** He visited me May 15th. It
16 wasn't about the visit. It was just my Constitutional
17 Rights were violated for my speedy trial.

18 **THE COURT:** All right. Maybe he -- if you
19 didn't discuss it, let me explain to you that that was
20 going to be excusable delay in any event.

21 I understand your family members hired him, and
22 your family members want him to stay on the case?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** What about you? Do you want him
25 on the case or off the case? What's the story?

1 **THE DEFENDANT:** He can remain on the case,
2 your Honor. It's just due process of law. Everything was
3 fraud upon the Court.

4 **THE COURT:** There's no fraud on the Court. I
5 understand perfectly what the motion was based on. I've
6 identified for you other reasons that there's going to be
7 delay. Unfortunately, there's going to be delay that is
8 significant for you. You will not have the opportunity to
9 get your case to trial because of the death penalty
10 eligible defendants, and because of the fact that there is
11 a fugitive.

12 The statute that you're relying on, your
13 Constitutional Right to a speedy trial, is not going be
14 effective until sufficient time is given to every one to
15 have their rights protected to have a fair trial. You
16 can't have a fair trial if an attorney has not gone
17 through the discovery appropriately, and had a chance to
18 go over it with you and discuss it. You're not going
19 to -- you would not be able to have a fair trial.

20 **THE DEFENDANT:** Yes, I understand, but the
21 law is 70 days for speedy trial. I understand that the
22 case is a -- that you all made it a complex case law, but
23 the law is 70 days for speedy trial. That's the law.

24 **THE COURT:** Okay. Well, I have -- I've had
25 the opportunity to pass judgment on this in the context of

1 the earlier order. I've tried to explain to you that it
2 doesn't matter whether Mr. Jordan objected or didn't
3 object. He recognized that the Court was going to find at
4 this time to be excusable. It could have been excusable
5 on a number of different grounds in addition to those
6 stated in the order.

7 But if you want him to remain on the case for now,
8 that's fine. The attorney who kindly came to appear on
9 Mr. Jordan's behalf can relay to Mr. Jordan that you
10 indicated that you still wish him to be on the case. I
11 would assume that you're going to act to withdraw this
12 grievance if you're satisfied enough with what he is doing
13 to date, and the key is communication obviously.

14 **THE DEFENDANT:** Yes, your Honor.

15 **THE COURT:** He is in trial for several days
16 apparently up in -- three weeks -- in Flint. So it's not
17 likely that you will be seeing him within the next few
18 days.

19 **THE DEFENDANT:** Also I have the case law
20 through my affidavit to support my claim that I was
21 saying. The case law is March 27, 2013 from Judge Drain
22 in deciding --

23 **THE COURT:** Okay. Mr. Shy, here's the other
24 thing that you have to understand --

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** -- you have a Constitutional
2 Right to represent yourself if you want. You also have a
3 Constitutional Right to have an attorney represent you,
4 and you've elected at this point at least to have an
5 attorney represent you. That attorney speaks for you in
6 court. It's very risky for you to speak on your own
7 behalf in court, and -- and the Court doesn't allow hybrid
8 representation; that is, we don't allow you to file
9 motions and make requests of the Court on your behalf when
10 you're represented by counsel.

11 So you have to talk these things over. If you're
12 going to be a good client, talk these things with your
13 lawyer, in this case Mr. Jordan, and he'll explain to you
14 if he feels that a motion or a request that you're making
15 does not have a prayer in the world to be honored, and
16 isn't required in the case. He's got a professional
17 obligation to tell you this is not going to work. That's
18 what he's here for because he's trained in the law, and
19 you've got to be receptive to taking directions from your
20 counsel if you're going to have a successful defense in
21 the case, unless you get to the point that you want to
22 represent yourself, and we will talk about that as an
23 option, but up can't do both. You can't be advancing your
24 on motions, and then have your attorney on board to act at
25 the same time.

1 **THE DEFENDANT:** Yes, your Honor. I was just
2 forced to go pro se because I know my rights have been
3 violated. So I was forced to go pro se, and I motion my
4 in to dismiss and everything else.

5 **THE COURT:** And that's going to be dismissed
6 because you are currently represented by Mr. Jordan, but
7 if you want to talk about his filing a similar motion, you
8 can talk to him about that when you get together.

9 Ms. Lewis, we're going to excuse you.

10 **MS. LEWIS:** Thank you.

11 **THE COURT:** We will permit you to withdraw.
12 Sorry to drag you in today. I felt I needed -- I was not
13 aware that we would have a lawyer available from Mr.
14 Jordan, and I thought at that time given the prior
15 expression by Mr. Shy having Mr. Jordan step down, and you
16 back up to the plate, but apparently Mr. Jordan is with us
17 for awhile.

18 **MS. LEWIS:** Thank you.

19 **MR. GRAVELINE:** Thank you, your Honor.

20 **THE COURT:** Mr. Graveline, anything from the
21 government?

22 **MR. GRAVELINE:** Nothing further from the
23 government.

24 **THE COURT:** All right. Okay.
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(Proceedings concluded.)

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C E R T I F I C A T I O N

I, Ronald A. DiBartolomeo, official court reporter for the United States District Court, Eastern District of Michigan, Southern Division, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript has been prepared by me or under my direction.

s/Ronald A. DiBartolomeo	December 3, 2019
_____ Ronald A. DiBartolomeo, CSR Official Court Reporter	_____ Date

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